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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,772	03/28/2001	Michael Petrov	02509/90	2624
26646	7590	02/22/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,772

Applicant(s)

PETROV ET AL.

Examiner

Gregory F. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-10, 55-63 and 114-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10, 55-63 and 114-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications of application received 12/12/2005.
2. The disposition of the claims is as follows: claims 2-10, 55-63 and 114-117 are pending in the application. Claims 5, 58 and 115-117 are independent claims. Claims 1, 11-54 and 64-113 have been cancelled.
3. When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 115 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the term “reconstructing” implies the three dimensional mesh model had been previously constructed, however there is no specified previous state within the claim for this assumption.

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*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-7, 58-60 are rejected under 35 U.S.C. 102(b) as being disclosed by Using AutoCAD, Release 13 for Windows, hereinafter AutoCAD.

A. AutoCAD discloses claim 5, “A method for restoring a previous version of a three dimensional mesh model on a computer system [AutoCAD: p. 1011-1016, starting at AutoCAD as a DDE Server] comprising:

retrieving a stored copy of an earlier state of the three dimensional mesh model on the computer system [p. 1014 at Start both AutoCAD and Lotus 1-2-3];

retrieving an ordered list of operations on the computer system [AutoCAD: p. 1015-1016 at Let’s take a moment to ... to do your bidding]; and

performing at least some of the operations in the ordered list of operations on the retrieved copy of the three dimensional mesh model wherein the ordered list of operations contains the operations which if performed in order on the earlier state of the three dimensional mesh model would result in a current state of the three dimensional mesh model [AutoCAD: p. 1012-1016]” [as detailed].

Wherein starting AutoCAD corresponds to “retrieving a stored copy of an earlier state of the three dimensional mesh model on the computer system” even if it is just an earlier saved or renamed default starting sheet/drawing. Furthermore opening or starting Lotus 1-2-3 with the

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ordered shown commands in Lotus 1-2-3 corresponds to “retrieving and performing an ordered list of operations, which if performed in order on the earlier state of the three dimensional mesh model would result in a current state of the three dimensional mesh model”. Moreover the last operation performed on AutoCAD leaves AutoCAD in its current state.

B. AutoCAD discloses claims 6 and 7, supra for claim 5. (See at least figs. 36.9 and 36.11).

C. Per claims 58-60, these are directed to an article of manufacture, respectively, for performing the method of claims 5-7, and therefore are rejected to claims 5-7.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4, 8-10, 55-57, 61-63 and 114-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over AutoCAD as applied to claim 5 above, and further in view of Official notice

A. AutoCAD discloses claims 8-10, supra for claim 5. However AutoCAD does not appear to disclose the “wherein” of claims 8-10, but Official notice is taken that Lotus 1-2-3 is replete with editing features to exclude at least one record, exclude at least one record at the end of the list, and exclude at least one record removed from the end of the list (delete or erase a single line, row, or column) as claimed in claims 8-10.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply AutoCAD as a DDE Server disclosed by AutoCAD in combination

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with removal of last record disclosed by Official Notice, and motivated to combine the teachings because “if you know your spreadsheet macro language well, you can create useful utilities that can send commands to AutoCAD to do your bidding” as revealed in AutoCAD on p. 1016.

B. AutoCAD discloses claim 115, *supra* for claim 5. However, AutoCAD does imply that one could enter values different from those stated for cells G5-G7 (see p. 1014) and result in a different state. Furthermore Official notice is taken that Lotus 1-2-3 is replete with editing features to enter different values in Lotus 1-2-3 spreadsheet.

Wherefore the initial renamed saved default drawing corresponds to a “first state”; performing [AutoCAD as a DDE Server] disclosed *supra* for claim 5 corresponds to a “second state”; and inputting different values in data cells G5-G7 or changing the counter value (cell G11) corresponds to a “third state” whereby if you know your spreadsheet macro language well, you can create useful utilities that can send commands to AutoCAD to do your bidding.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply AutoCAD as a DDE Server disclosed by AutoCAD in combination with entering different spreadsheet macro values disclosed by AutoCAD and Official Notice, and motivated to combine the teachings because “if you know your spreadsheet macro language well, you can create useful utilities that can send commands to AutoCAD to do your bidding” as revealed in AutoCAD on p. 1016.

C. AutoCAD and Official Notice disclose claims 2-4, *supra* for claims 5 and 115. Wherein Lotus 1-2-3 saved spreadsheet corresponds to the ordered command list; and in the order it was performed. (See at least Figs. 36.9 – 36.11 and Tables 36.1 and 36.2).

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D. Per claims 55-57, 61-63 and 116, these are directed to an article of manufacture, respectively, for performing the method of claims 2-4, 8-10 and 115, and therefore are rejected to claims 2-4, 8-10 and 115.

E. Per claims 117 and 114, these are directed to a system, respectively, for performing the method of claims 115 and 2, and therefore are rejected to claims 115 and 2.

### *Response to Arguments*

9. Applicant's arguments with respect to claims 2-4, 8-10, 55-57, 61-63 and 114-117 have been considered but are moot in view of the new ground(s) of rejection.

### *Responses*

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

### *Inquiries*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory F. Cunningham  
Examiner  
Art Unit 2676

gfc

2/6/2006



**RICHARD HJERPE**  
**SUPERVISORY PATENT EXAMINER**  
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